

APPROVED: Meeting No. 46-87

ATTEST:

*Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 43-87

November 30, 1987

The Mayor and Council of Rockville, Maryland convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, November 30, 1987, at 8:00 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

In attendance: City Attorney Paul Glasgow, City Clerk Helen M. Heneghan, and Acting City Manager Rick Kuckkahn.

The Mayor in the chair.

Re: City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. Dallas Ricks retired after 35 years of service to the City. Public Works, Parks and Recreation, and his many friends wished him a happy retirement at a party held at the Senior Center.
2. Members of Mayor and Council and City staff enjoyed the beginning of the holiday season at a Thanksgiving dinner with Senior Associates, Triple "F" and Young In Heart. The event was very enjoyable thanks to Karen Lumpkin and Senior Center staff organizers.

3. Due to weather conditions, leaf pickup is running a couple of days behind schedule. Although this is not causing serious problems, staff is working as fast as possible to remove them.

4. Holiday decorations are in the process of being placed. Parks and Recreation advises that bids for the decorations were very favorable and the quality is excellent. The community should be pleased with the results. Courthouse square, City Hall, North Washington and Jefferson Street will be decked out. Mr. Kuckkahn noted that only Courthouse Square and City Hall were scheduled for this year, but due to the low bid, it allowed the entire project to proceed.

5. Staff completed the 1987 Trends and Conditions study. Copies are available to the general public by calling the City Manager's Office. It will be sent to neighborhood associations with a cover letter offering to provide staff for presentations if requested. Any other interested groups or organizations are extended the same offer.

6. The hearing for the Rockville Pike Corridor will take place on Tuesday, December 8, 1987, at 7:30 p.m. Documents are available in the Planning Department free of charge. Mayor and Council questions presented to staff on October 19, 1987, have been answered and are available to the general public for their consideration.

7. The State Human Relations Commission will meet at 7:30 p.m. on December 8 at the Executive Office Building. The City's Human Rights Commission and Don Vandrey will be attending.

8. Staff has just completed the first half of our holiday drive. As of today, 205 food baskets have been delivered to needy residents. This could not have been possible without the many hours of assistance from City

Meeting No. 43-87

3

November 30, 1987

staff, particularly Josephine Roberts, many volunteers, residents, schools, businesses, churches, community and service organizations, WINX am 1600, inmates Seven Locks Detention Center, Rockville Lioness Club, American Legion, and Girl and Cub Scouts. The Holiday drive continues through December 18, 1987.

9. December 5, Rockville Civic Ballet will present "The Nutcracker", 2:30 and 7:30 p.m., F. Scott Fitzgerald Theatre, \$4 adults, \$3 Children (12 years old or under) and Senior adults; contact Betty C. Wisda, ext. 357. The show will also run on December 6th, 1:00 and 4:30 p.m.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and passed, with Councilmembers Hovsepian and Robbins abstaining, the minutes of Meeting No. 41-87, were approved as corrected.

Re: Proclamation: Recognition of  
James N. Davis

Proclamation No. 24-87

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 24-87, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council, recognizing Mr. James Davis for his service to the community. The proclamation was read by Councilman David Robbins at the request of the Mayor, in which it was urged that citizens follow the example of Mr. Davis' service to the community.

Meeting No. 43-87

4

November 30, 1987

Re: Adoption of Resolution: To  
 Authorize Signatures for City  
 Bank Accounts

Resolution No. 31-87

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 31-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, authorizing signatures for City bank accounts, was adopted by the Mayor and Council.

Re: Award of Contract: Bid #40-88  
 Trees and Shrubs

Invitations to bid were mailed to thirty contractors. Seven sealed bids were received and opened at 2:30 p.m., November 18, 1987, for the Purchase and Planting of Trees and Shrubs on City Property.

<u>COMPANY</u>	<u>LUMP SUM BID</u>
Aspen Landscape Contractors, Inc.	\$ 74,404.12
C&C Farms, Inc.	\$ 83,830.00
Arbor Landscaping	\$ 84,757.00
Paul E. Schlosser Company, Inc.	\$ 95,821.00
W.H. Boyer, Inc.	\$112,643.53
Ruppert Landscape Company	\$116,422.23
J.H. Burton & Sons	\$137,517.00

Budgeted amount: \$80,000.00

This project involves the purchase of trees and shrubs to be planted at various locations within the City. The locations include City Hall, Senior Center, North Washington Dell, Civic Center, Lewis Avenue Right-of Way, Broome Athletic Park and Azalea Drive. Staff recommends award to Aspen Landscape Contractors, Inc. in the amount of \$74,404.12 as low bidder for the above referenced project.

Meeting No. 43-87

5

November 30, 1987

On motion of Councilman Abrams, duly seconded and unanimously passed, the Award of Bid #40-88, for delivering and planting trees and shrubs on City property, was awarded to Aspen Landscape Contractors, Inc. in the amount of \$74,404.12.

Re: Rejection of Bid #31-88:  
Renovations to F. Scott  
Fitzgerald Theatre

The requirement is to build a stage addition of approximately 2200 square feet at the F. Scott Fitzgerald Theatre with \$250,000 state funds.

After architect fees of \$19,000 an estimated \$231,000 remained for construction. Seven company representatives attend the pre-bid meeting on November 16, 1987. The following base bid was received.

Smith & Haines, Inc.                      \$362,000

Smith & Haines, Inc.'s bid was determined to be too high based on available state funds. Staff recommends rejection of bid #31-88, a scale down of the project to meet state funding, and re-bid revised proposal.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid #31-88, for the renovation of the F. Scott Fitzgerald Theatre was rejected by the Mayor and Council.

Re: Award of Road Salt Bid -  
Council of Governments -  
Prince George's County #88-061

The requirement is for 1,000 tons of road salt for the winter of 1987-88. Prince George's County is the lead jurisdiction for this cooperative Council of Governments bid.

Meeting No. 43-87

6

November 30, 1987

The following bids were received:

International Salt	\$25.80/ton
Cargill	\$25.97/ton
Morton Salt	\$26.35/ton

International Salt Company was determined to be low, responsive and responsible bidder. Staff recommends award in conformance with the Council of Governments award to International Salt Company.

On motion of Councilman Abrams, duly seconded and unanimously passed, Prince George's County Bid #88-061, Council of Governments Road Salt Bid, was awarded to International Salt at the rate of \$25,80/ton.

Re: Approval of amendment to  
City Retirement Thrift Plan

On November 23, 1987, the Retirement and Disability Board unanimously voted to recommend that Mayor and Council adopt an Amendment to the City Pension Plan. This is as a result of a request made by the City to the Internal Revenue Service (IRS) concerning the federal income tax treatment of our Thrift Plan Option under section 414 (h) (2) of the Internal Revenue Code.

Currently, the Thrift Plan Option gives the employee the option of contributing between 0% and 5% of annual salary. This contribution is in pre-tax rather than post-tax dollars allowing for a substantial savings in the take-home pay. To retain this pre-tax contribution, the IRS has ruled that the City must amend the Pension Plan to provide that each employee who is enrolled under the Thrift Plan Option make at least a 1% contribution.

Seventy three (73) employees are currently participating in the Thrift Option. Thirty eight (38) are making contributions. Thirty five (35) employees would be required to make at least a 1% contribution.

Meeting No. 43-87

7

November 30, 1987

On motion of Councilman Abrams, duly seconded and unanimously passed, the recommendation of the Retirement and Disability Board was approved by the Mayor and Council.

Re: Award of Contract: Bid #35-88  
Red Gate Pump House Control  
Rehabilitation

Requests for proposals were mailed to 36 contractors and also advertised in F.W. Dodge, Blue, Bid Net, and Construction Market Data. Sealed proposals were received and opened 5:00 p.m., November 23, 1987, in the Contract Office for Improvements to the Redgate Golf Course Irrigation System Pumping Station. Three bids were received as follows:

<u>Company</u>	<u>Lump Sum Price</u>
Russell Roberts Co., Inc.	\$10,850.00
Turf Management, Inc.	\$17,900.00
G. L. Cornell	\$19,800.00

A proposal was also received from Automatic Underground Sprinkler System, Inc. for the award of \$199,750.00, but was a lump sum price for two proposals. No other price breakdown was given so this proposal was eliminated from consideration.

To provide and install a design for a new automatic control system that will operate the existing pumps. Funds were allocated in the Golf Course FY88 operating budget for this project. Staff recommends an award to Russell Roberts, Inc. in the amount of \$10,850.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 35-88, Red Gate Pump House Control Rehabilitation, was awarded to Russel Roberts, Inc. in the amount of \$10,850.

Meeting No. 43-87

8

November 30, 1987

Re: Award of Contract: Bid #36-88  
Red Gate Golf Course  
Irrigation System Improvements

Requests for proposals were mailed to 33 contractors and also advertised in F. W. Dodge, Blue, Bid Net, and Construction Market Data. Sealed proposals were received and opened 5:00 p.m., November 23, 1987, in the Contract Office for Improvements to the Redgate Golf Course Irrigation System. Four proposals were received as follows:

<u>Company</u>	<u>Lump sum Price</u>
Allegheny Lawn Sprinkler	\$54,450.00
Howard County Landscape & Sodding Co., Inc.	\$60,140.00
Russell Roberts Co., Inc.	\$72,000.00
Turf Management	\$84,850.00

A proposal was also received from Automatic Underground Sprinkler System, Inc. in the amount of \$199,750.00, but was a lump sum price for two proposals. No other price breakdown was given so this proposal was eliminated from consideration.

To design and install a new irrigation control system that will be compatible with the existing valves, piping, and heads. All new control modules are to be installed and the complete system is to be rewired, including installation of power lines. Funds were allocated in the Golf Course FY88 operating budget for this project. Staff recommends an award to Allegheny Lawn Sprinkler in the amount of \$54,450.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Award of Bid #36-88, for Red Gate Golf Course Irrigation System Improvements, was awarded to Allegheny Lawn Sprinkler in the amount of \$54,450.00 by the Mayor and Council.



Meeting No. 43-87

9

November 30, 1987

Re: Award of Contract - Electrical  
Service Requirements

The City entered a requirements contract for electrical services in February 1987 with Kolb Electric as part of a piggyback agreement with Montgomery County Government. The electrical service contract provides "full service" work including all materials and labor necessary to perform repairs, renovations, alterations, maintenance, and emergency service.

This requirement contract services all offices, parks, buildings, and facilities for all departments and divisions in the City of Rockville. As of this date, the City has expended almost all of the \$20,000 ceiling for this current contract year and still anticipates considerable maintenance and renovation work for the remainder of the year.

Since this is the City's first electrical service contract, it was estimated that the contract value/ceiling of \$20,000 annually would be sufficient. However, actual experience indicates a need to increase the value/ceiling from \$20,000 to \$40,000 annually. It should be noted that all the work performed under this contract was necessary and/or emergency electrical work.

Further, this is not a request for additional funding as the monies necessary for the electrical services are in current approved expenditures within various City department and division accounts.

Staff recommends approval to increase the contract value/ceiling from \$20,000 to \$40,000 annually for the current contract year and option years with Kolb Electric as per the bid specifications of the Montgomery County Government Bid #60317. Funding for this increase would come from existing expenditure authorizations from various departments and divisions for utilizing the electrical contractor.

Meeting No. 43-87

10

November 30, 1987

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the Electrical Service Requirements Contract Increase from \$20,000 to \$40,000 annually.

Re: Award of Contract: Bid #25-88  
Wootton's Mill Park Bridge

Invitations to bid were mailed to 30 contractors and the bid was advertised in F.W. Doge, Blue, Bid Net and Construction Market Data. Sealed bids were received and opened at 2:30 p.m., October 29, 1987, in the contracts Office for construction of a 50' pedestrian bridge and pathways at Woottons Mill Park. Four bids were received as follows:

<u>Company</u>	<u>Lump Sum Bid</u>
Ryon, Inc.	\$46,467
Pickens & Sons, Inc.	\$66,610
Potomac Group	\$87,880
Concrete Development, Inc.	\$150,865

This project involves the construction of a 50' long, 8' wide pedestrian footbridge and connecting pathways at Woottons Mill Park. Work includes site grading, finish grading, sediment controls and related items. \$40,000 is allocated in the Capital Projects Budget for the entire project (\$1,000 G.F. and \$30,000 P.O.S.). Staff checked Ryon Inc.'s references with the M-NCPPC engineering office involving similar construction contracts (bridges) and found the firm capable, cooperative, and reliable in their performance for M-NCPPC. Staff recommends an award to Ryon, Inc. in the amount of \$38,787 which reflects only the deletion of alternate #1 (add 3' width to existing paths for \$7,680).

Meeting No. 43-87

11

November 30, 1987

The inclusion of this alternate would put the project \$6,467 over available funding and this work can be done in-house at a later date without any negative effect to the overall project.

Councilman Coyle asked the completion date. Mr. Stevens said the project is now scheduled for spring.

On motion of Councilman Coyle, duly seconded and unanimously passed, Award of Bid #25-88, Woottons Mill Park Bridge and Asphalt Pathways, was awarded to Ryon, Inc. in the amount of \$46,467.

Re: Decision and Instructions to  
Staff re Community Development  
Block Grant Funds - FY89

The City of Rockville has for several years received its Community Development Block Grant (CDBG) funds through an Urban County Cooperation Agreement with the Montgomery County Government. The amount of money passed on to Rockville is calculated by the U. S. Department of Housing and Urban Development. It is based upon the number of low-moderate income persons living in the City.

In order to be eligible for CDBG funding, a proposal must meet one of three criteria:

1. It must benefit low-moderate income families. That benefit may be either directly to an eligible family or serve an area in which the population is 51%+ low-moderate income families.
2. It must control or abate slum or blight.
3. It must meet an urgent community need which is of recent origin and poses a serious and immediate threat to the health and/or welfare of the community.

In addition to meeting one of the three eligibility criteria, a CDBG proposal must also meet the requirements of all other applicable Federal

Meeting No. 43-87

12

November 30, 1987

Regulations. Administrative cost may not exceed 20% of the total grant. Public service projects may not exceed 15% of the grant.

In discussing the staff recommendations, Councilman Abrams proposed that one of the requests at the Public Hearing, the construction of a Community Room at Lincoln Terrace, be funded at some level, perhaps over a two year term. It was not clear whether the idea was possible and would be approved by Montgomery County. The Council agreed that \$25,000 should be shifted from the single family home rehabilitation program and added to the projects, as 50% of the cost of the construction of a community room at Lincoln Terrace with the hope that this might be front funded in the City's operating budget for FY89 and then financed through CDBG funding for FY90. If however, this is not possible or approved by Montgomery County, the money would revert to the single family home rehabilitation program.

On motion of Councilman Abrams, duly seconded and unanimously passed, the proposals for Community Development Block Grant Funds - FY89, were approved as amended by the Mayor and Council.

Re: Citizens Forum

The Mayor opened the meeting to those citizens wishing to address the Mayor and Council.

1. Brigetta Mullican, Lewis Avenue, Chairperson of the Rockville Sister City Task Force, questioned the Mayor as to when appointments would be made by the Mayor to the Sister City Task Force since she has repeatedly requested this from the City Clerk. She specifically asked that Councilman Robbins be the Mayor and Council liaison. Mayor Duncan told Ms. Mullican that appointments would be made within the next two to three weeks.

Meeting No. 43-87

13

November 30, 1987

Ms. Mullican commented that she received a letter from the Acting City Manager that carried a good tone and was a good step for communication. She noted that she supports the Mayor and Council in its controversial action in firing the former City Manager. She then reported on problems she had with the previous City Manager and his dealings the citizens. She noted his shortcomings.

There being no other citizens wishing to be heard, the Mayor closed the Citizen Forum portion of the meeting.

Re: Award of Commission for  
Artwork for Broome Athletic  
Park

Mr. Burt Hall, Director of Recreation, briefed the Mayor and Council on the art work.

On November 4, the artist nomination committee met to discuss the submitted revised concept proposal of Robert Adzema for Broome Athletic Park.

The committee recommended to the Cultural Arts Commission that Mr. Adzema be awarded the \$24,500 commission for the site. In addition, the committee requested that the City agree to provide some services which will reduce the artist's costs for installation of the work. These services include site preparation for the paths, some labor for the path installation and landscaping design/installation.

Funds for this public art project are appropriated in the Art In Public Places program of the Capital Improvements Program.

The artwork appears to be suitable in terms of longevity, ease of maintenance and safety. Staff concurs with the Cultural Arts Commission recommendation to award this commission to Mr. Adzema, in the amount of

Meeting No. 43-87

14

November 30, 1987

\$24,500. Staff further recommends that the additional site improvements be provided by the City, with funds from the Art In Public Places Program budget.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the staff's recommendation was approved.

Re: Approval of Cultural Exchange  
of Works of Art with Pinneberg

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council agreed that this proposal should be referred back to both the Cultural Arts Commission and the Sister City Task Force, in hopes that the two groups could come to an agreement on how this could best be accomplished and make a joint recommendation to the Mayor and Council.

Re: Decision on Ownership of  
Copyright of Work of Art

There were still unanswered questions on this item.

On motion of Councilman Abrams, duly seconded and unanimously passed, this item was referred to the staff for further study and recommendation.

Re: Decision and Instructions to  
Staff re Peoplemover  
Feasibility Study

After discussion, the Mayor and Council agreed that any decisions on the study this evening might be premature until the Mayor and Council's ideas on the Rockville Pike Plan are known. The staff was asked to contact the bidders and explain what the delay might be.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the decision was postponed until after the Rockville Pike hearing, and decisions are made so that the two may be tied together.

## Re: Discussion on Census

The Council conducted a discussion with Mr. Silvio Imas and Rebeca Gilad on the idea that the City's minority population has been undercut in the official census. They suggested the City might provide sanctuary to illegal aliens. Various matters were discussed and ideas put forth in order to accurately count the minorities. Councilman Abrams expressed a need for a pre-1990 survey to show a more accurate picture of the Rockville population. A new population category could impact the City's eligibility for Federal funds. Mayor Duncan explained the County has a new office of Minority and Multi Cultural Affairs, and he will be meeting with the director of that department to suggest that Rockville be used as a pilot program to establish a method of doing an accurate count. The Mayor suggested that tonight's discussion might be more appropriate for a work session. Councilman Abrams agreed and suggested alternative ideas for an accurate count to be brought to the work session, and to include representatives of the Asian population in that work session. Mayor Duncan asked that a work session be scheduled in mid January for the Mayor and Council.

## Re: Correspondence

1. Councilman Abrams noted a letter from Attorney Charles Rand and asked staff to comment on this letter.
2. Councilman Abrams asked staff for comments on a letter received from Planning Commissioner Glennon Harrison. The City Attorney suggested this be discussed in Executive Session.

3. Councilwoman Hovsepian asked if there were any further testimony needed on Fortune Parc. Mr. Kuckkhan stated that the City would be given an opportunity to summarize.

4. Councilwoman Hovsepian read an update of the Falls Road construction schedule. Councilman Abrams noted that a feasibility study is being done on new traffic lights at Fallsmead - Falls Road intersection.

Re: New Business

1. Councilman Coyle noted that high school students crossing Ritchie Parkway to Wootton High School are endangered by the heavy traffic. He suggested that staff look into improvements to the crosswalk. Councilman Abrams noted when a four lane highway is constructed, an overpass might be necessary.

2. Councilman Abrams asked the City Attorney for guidance on the Council's search committee's executive session permission for their meetings. He asked if a blanket approval can be given. Mr. Glasgow said he will come back with a recommendation to the Council on that, however, a record of the time and date and notes of the meetings should be kept. Councilwoman Hovsepian suggested that Councilman Coyle serve as Chairman. The Mayor agreed, and also said citizen participation will be necessary. Councilman Abrams said that although citizen advisors are an excellent idea, he has concerns about the confidentiality process, since citizens may not be cognizant of privileged information in Executive Session. The Council agreed that this could be worked out between them, and they will return with suggestions and also a list of search committees.

3. Councilman Abrams asked that the Mayor and Council consider four year terms in the future, since much of the present term is spent running



Meeting No. 43-87

17

November 30, 1987

for office. He suggested that in 1989, the Council could be elected to four year terms on a staggered basis, with the top two winning candidates receiving four year terms, and the other two winning candidates receiving two year terms, then running for alternate four year terms thereafter. He also asked for ideas about a full time Mayor since the City business has grown so. Councilman Coyle noted his preference for two year terms. Councilwoman Hovsepien noted that people had said no to four year terms previously, but that a public hearing would be a good idea. Councilman Robbins noted that he supports a part time Mayor but he would be interested in hearing what the public thinks of four year terms. Mayor Duncan agreed with the Council/Manager form of government being the best, however, he did hear more comments on the four year terms during this past campaign. The Council requested that the City Attorney draft a Charter Amendment on four year terms for Council for public hearing.

5. Councilman Coyle submitted six traffic issues on Lewis Avenue that were given to him by a citizen. He asked that they be sent to staff for recommendation.

6. Mayor Duncan asked the City Attorney to prepare a Text Amendment that would reduce the size of the Planning Commission. Councilman Abrams asked that before the Text Amendment is set for public hearing, the City Attorney outline options for it to be accomplished legally. The City Attorney will provide it at the next meeting.

Re: Executive Session

There being no further business to come before the Mayor and Council in General Session, the meeting was closed for Executive Session to discuss personnel matters.

Meeting No. 43-87

18

November 30, 1987

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 11:05 p.m., to convene again in General Session on Monday, December 7, 1987, at 8:00 p.m. or at the call of the Mayor.